

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10563 of 1996

WITH

SPECIAL CIVIL APPLICATION No 10778 of 1996

TO

SPECIAL CIVIL APPLICATION No 10785 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos.1 to 5 No.

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DINESHKUMAR G CHAVDA

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 10563 of 1996

MR PR NANAVATI for Petitioners.

MR MB FAROOQUI for Respondent No. 3.

MR.H.L.JANI for Respondent Nos.1,2 & 4.

MR.K.K.SETH for Respondent No.5

[Kum.Ruksanaben Akbarbhai Gilani Respondent  
No.5 is present in person].

2. Special Civil Application No 10778 of 1996  
to 10785 of 1996

MR PR NANAVATI for Petitioner

MR MB FAROOQUI for Respondent No. 3.

MR.H.L.JANI for Respondent No.4.

MR.K.K.SETH for Respondent No.5.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 30/01/97

ORAL JUDGEMENT

Rule. Mr.H.L.Jani waives service of Rule for Respondents No.1, 2 and 4. Mr.M.B.Farooqui waives service of Rule for Respondent No.3 and Mr.K.K.Seth waives service of Rule for Respondent No.5 Kum.Ruksanaben Akbarbhai Gilani who is present in the Court.

All these nine Special Civil Applications are directed against the order dated 14.12.1996 passed by Respondent No.4 i.e. District Collector,Ahmedabad based on a common grievance and decided by this common order. Mr.Jani appearing for Respondents No. 1, 2 and 4 does not contest the factual position that the order dated 14.12.1996 had been passed by the District Collector without issuing notice and without hearing the present petitioners. The order which was challenged by Respondent No.5 before Respondent No.4 was in favour of the petitioner. In this view of the matter, the order dated 14.12.1996 deserves to be set aside only on the ground that the same has been passed in breach of principles of natural justice without notice and without hearing the petitioners. Whereas the petitioners in aforesaid Special Civil Applications were essentially required to be heard as the original order was in their favour, it is a fit case in which the order dated 14.12.1996 deserves to be quashed and set aside and the same is accordingly quashed and set aside. The matters are remanded to the District Collector, Ahmedabad for passing appropriate orders after hearing all the concerned parties. The parties agree to appear before the District Collector on 17.2.1997 and if necessary thereafter on any date which may be fixed by the District Collector, Ahmedabad. The District Collector, Ahmedabad would decide the matters afresh in accordance with law after hearing all the parties within a period of three months from 17.2.1997 and in doing so he will not be influenced by the order dated 14.12.1996 which was earlier passed by him.

All these nine Special Civil Applications are allowed in the terms as aforesaid and Rule is made absolute accordingly in each of these nine petitions. No order as to costs.

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